

E-FILED - 7/23/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAL CASTILLO,)	No. C 06-3225 RMW (PR)
)	
Plaintiff,)	ORDER DENYING
)	PLAINTIFF'S NOTICE OF
vs.)	MOTION AND MOTION FOR
)	LEAVE TO AMEND
SAN JOSE POLICE)	
DEPARTMENT, et al.,)	
)	
Defendants.)	
_____)	(Docket No. 10)

Plaintiff, proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. On September 18, 2007, the court granted plaintiff's motion to amend his complaint, and granted him thirty days in which to file his amended complaint. The court cautioned plaintiff that his failure to file an amended complaint within the allotted time would result in his proceeding in this action with the claims in the original complaint, filed on May 15, 2006.


No amended complaint or other response was received and on May 29, 2008, the court reviewed the claims in the original complaint, dismissed the claims for failure to state a cognizable claim for relief, and closed the case.

On June 2, 2008, the court received plaintiff's notice of motion and motion for leave to amend, dated May 23, 2008. Plaintiff's notice and motion are untimely as they

1 were filed over seven months past the deadline, and were received after the case had been
2 dismissed and closed. Moreover, plaintiff's motion seeks to change one of the defendants
3 from the City of San Jose Police Department to the Santa Clara County Department of
4 Corrections. This correction would not render the claims in the complaint cognizable, as
5 they were dismissed on other grounds. The notice of motion and motion for leave to
6 amend (docket no. 10) are DENIED.

7 IT IS SO ORDERED.

8 DATED: 7/22/08


9 RONALD M. WHYTE
United States District Judge